

This is a notice of a lawsuit settlement, not a lawsuit against you.

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

CIN-Q AUTOMOBILES, INC., et al.,

Plaintiffs,

v.

BUCCANEERS LIMITED PARTNERSHIP
and JOHN DOES 1-10,

Defendants.

No. 8:13-cv-01592-AEP

Magistrate Judge
Anthony E. Porcelli

NOTICE OF CLASS ACTION SETTLEMENT WITH ATTACHED CLAIM FORM

TO: All persons who received or were successfully sent in 2009 or 2010 one or more facsimile advertisements relating to tickets for Tampa Bay Buccaneers games (the “Settlement Class”).

The Court ordered us to send you this Notice because your fax number is contained on a list of fax numbers to which advertisements may have been sent by fax, and you may be a member of the Settlement Class (“Settlement Class Member”) defined above.

A. WHAT IS THIS LAWSUIT ABOUT? Plaintiffs filed this class action lawsuit (the “Litigation”) against Buccaneers Limited Partnership, now known as Buccaneers Team LLC (“BTL” or “Defendant”) alleging that it violated the federal Telephone Consumer Protection Act (“TCPA”) by allegedly sending unsolicited advertisements by fax. Defendant denies each and every allegation of wrongdoing, liability, and damages that were or could have been asserted in the Litigation and further denies that the claims would be appropriate for class treatment if the Litigation were to proceed through trial. The parties have agreed to settle all claims about 343,122 advertising faxes allegedly sent by or on behalf of BTL from July 14, 2009, to June 9, 2010. This Notice informs you of your rights regarding this Settlement as a potential member of the Settlement Class.

B. WHY IS THERE A SETTLEMENT? The Court has not decided in favor of Plaintiffs or BTL. Instead, both sides have agreed to a settlement. By agreeing to the Settlement, the parties avoid the costs and uncertainty of a trial, and if the Settlement is approved by the Court, Settlement Class Members will receive the benefits described in this Notice. The proposed Settlement does not mean that any law was broken or that BTL did anything wrong. BTL denies all legal claims in this case. Plaintiffs and their lawyers think the proposed Settlement is best for everyone who is affected.

C. WHAT IS THE PROPOSED SETTLEMENT? The Court has certified the Settlement Class defined above and preliminarily approved a settlement, subject to a final approval hearing that will occur on September 7, 2023, at 10:00 a.m. in Courtroom 10A, United States District Court, Middle District of Florida, 801 North Florida Avenue, Tampa, Florida 33602. BTL has agreed to create a settlement fund of \$19,750,000.00 (“Settlement Fund”) to settle this case. If the Court approves the Settlement at the final approval hearing, each valid claim will be paid up to \$350.00 for the first fax, \$125.00 for the second fax, \$90.00 for the third fax, \$25.00 for the fourth fax, and \$25.00 for the fifth fax. You do not need to state on the Claim Form how many faxes you received from BTL in 2009 and 2010. You will be paid according to the electronic records obtained in this case. In the event the Settlement Fund is exhausted, these amounts are subject to reduction.

D. WHO REPRESENTS THE SETTLEMENT CLASS IN THIS LITIGATION? The Court appointed Plaintiffs Cin-Q Automobiles, Inc. and Medical & Chiropractic Clinic, Inc. as the Class Representatives, and appointed the following attorneys as Class Counsel:

Michael Addison
Addison Law Office, P.A.
P.O. Box 152356
Tampa, FL 33684

Ross M. Good
Glenn L. Hara
Brian J. Wanca
Anderson + Wanca
3701 W. Algonquin Road, Suite 500
Rolling Meadows, IL 60008

QUESTIONS? CALL 1-800-974-0698 OR GO TO BTL-TCPA-SETTLEMENT.COM.

They have litigated on behalf of the Settlement Class against BTL on a contingency basis. As part of the Settlement, Class Counsel will request that the Court award each Plaintiff an Incentive Award of \$10,000.00 for serving as Class Representatives and ask the Court to award attorney's fees to Class Counsel equal to 25% of the Settlement Fund for their legal services, plus their reasonable out-of-pocket litigation expenses, also to be paid out of the Settlement Fund. You can read Plaintiffs' Motion for Attorney Fees and Incentive Award on the Settlement Website. You will not have to pay any money to Class Counsel. You may retain your own counsel to represent you at your own expense. The Court will ultimately decide the amount of fees and expenses to award.

E. WHAT ARE YOUR FOUR OPTIONS?

1. Submit a Proof of Claim (attached) to receive a check: You must submit a completed Claim Form (see form at end of this Notice) to the Settlement Administrator signed subject to penalty of perjury via U.S. Mail, fax, or online at BTL-TCPA-Settlement.com. Claim Forms may also be obtained on the Settlement Website, BTL-TCPA-Settlement.com. The Claim Form must be submitted to the Settlement Administrator on or before **February 6, 2023**. If mailed, the envelope must be postmarked on or before February 6, 2023. If you do not submit a Claim Form, you will not be eligible to participate in the economic recovery under this Settlement. If you submit a timely and valid Claim Form, you will be mailed a settlement check after the Court enters a Final Order and Judgment granting approval of the Settlement and after any appeals are resolved. If there are appeals, resolving them can take time. Please be patient.

2. Do nothing: You will be bound by the Settlement, and you will release your claims regarding faxes sent by or on behalf of BTL from July 14, 2009, to June 9, 2010, but you will not receive any money. Unless you opt out of the Settlement (see below), you give up any right you might have to sue BTL for legal claims that the Settlement resolves. You must exclude yourself from the Settlement Class in order to try to maintain your own lawsuit. If you start your own lawsuit, you will have to hire your own lawyer, and you will have to prove your claims.

Unless you exclude yourself from the Settlement, you cannot sue or be part of any other lawsuit against BTL about the issues in this case, including any existing litigation, arbitration, or proceeding. Unless you exclude yourself, all of the decisions and judgments by the Court will bind you. If you file a Claim Form for benefits or do nothing at all, you will be releasing BTL from all of the claims described and identified in Section XI of the Settlement Agreement.

The Settlement Agreement is available by visiting the Settlement Website, BTL-TCPA-Settlement.com, calling 800-974-0698, or writing to *Cin-Q Automobiles, Inc. v. Buccaneers Limited Partnership*, Attn: Settlement Administrator, P.O. Box 6394, Portland, OR 97228-6394. The Settlement Agreement provides more detail regarding the release and describes the released claims with specific descriptions in necessary, accurate legal terminology, so read it carefully. You can talk to the lawyers seeking to represent the Settlement Class and listed above for free, or you can, at your own expense, talk to your own lawyer if you have any questions about the released claims or what they mean.

3. Opt out of the Settlement: You have the right to exclude yourself from both the class action and the Settlement by submitting a written request by mail to be excluded from the Settlement Class. Your request for exclusion must be postmarked on or before **February 6, 2023**. It must list your name, fax number(s) at which you or your company received faxes between July 14, 2009, and June 9, 2010, street address, the name and number of this case, it must be personally signed by you, and it must state that you are a member of the Settlement Class and that you wish to be excluded (for example, "Exclude me from the Buccaneers settlement."). Mail your exclusion request to the Settlement Administrator, postmarked by date above, who will notify Class Counsel, BTL Counsel, and the Court of your request:

Cin-Q Automobiles, Inc. v. Buccaneers Limited Partnership
Attn: Settlement Administrator
P.O. Box 6394
Portland OR 97228-6394

You cannot ask to be excluded on the phone, by email, or in any other manner.

You may opt out of the Settlement Class only for yourself. So-called "mass" or "class" opt-outs, whether filed by third parties on behalf of a "mass" or "class" of members of the Settlement Class or multiple members of the Settlement Class where no personal statement has been signed by each and every individual member of the Settlement Class, are not allowed.

QUESTIONS? CALL 1-800-974-0698 OR GO TO BTL-TCPA-SETTLEMENT.COM.

4. **Object to the Settlement:** If you are a Settlement Class Member (and do not exclude yourself from the Settlement Class) and wish to object to the Settlement rather than excluding yourself, you must file a written objection with the Clerk of the United States District Court, Middle District of Florida, 801 North Florida Avenue, Tampa, Florida 33602. Your objection must be filed by **April 28, 2023**, and must contain the name and number of this case (as indicated at the top of this Notice). You must also serve copies of your objection on Class Counsel (address above) and Defendant's attorneys, Mark S. Mester and Robert C. Collins III, Latham & Watkins LLP, 330 N. Wabash Ave., Suite 2800, Chicago, IL 60611, postmarked by the same date. Your objection must include your name, fax number(s) at which you or your company received faxes between July 14, 2009, and June 9, 2010, telephone number, and street address, along with a statement of the reasons why you believe the Court should find that the proposed Settlement is not in the best interests of the Settlement Class. If you are represented by counsel, your objection must also include the name, bar number, address, and telephone number of your counsel. Your objection must also include a signed declaration stating that you are a member of the Settlement Class and in 2009 and/or 2010 received or were successfully sent one or more facsimile advertisements relating to Tampa Bay Buccaneers games. It is not sufficient to simply state that you object; you must state your reasons. Additionally, if you want the Court to consider your objection, then you must also appear at the final approval hearing in Courtroom 10A, on September 7, 2023, at 10:00 a.m. You are not required to attend this hearing unless you object to the Settlement.

F. **WILL THE COURT APPROVE THE SETTLEMENT?** The Court will hold a final approval hearing on **September 7, 2023, at 10:00 a.m.** in Courtroom 10A of the Sam M. Gibbons United States District Court, Middle District of Florida, 801 North Florida Avenue, Tampa, Florida 33602, at which the Court will hear any timely and properly filed objections and arguments about the Settlement. At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. The Court will also consider the requests by Class Counsel for Attorneys' Fee Award and for Incentive Awards to the Class Representatives. After the hearing, the Court will decide whether to approve the Settlement. It is unknown how long these decisions will take. You are **not** required to attend unless you object to the Settlement. The hearing may be continued to a future date without further notice. You are welcome to attend the hearing at your own expense.

G. **WHERE CAN YOU GET MORE INFORMATION?** If you have specific questions, you can write to Class Counsel at the address listed above. Include the case number, your name, the fax number(s) at which you or your company received faxes between July 14, 2009, and June 9, 2010, and your current street address on any correspondence. You may also contact Addison Law Office, P.A. at 813-344-4808 or Anderson + Wanca, Class Counsel, at 855-827-2329. You can review the Complaint, Settlement documents, and Plaintiffs' Motion for Attorney Fees and Incentive Award on the Settlement Website at BTL-TCPA-Settlement.com. You may also send questions to the Settlement Administrator by calling 800-974-0698 or writing *Cin-Q Automobiles, Inc. v. Buccaneers Limited Partnership*, Attn: Settlement Administrator, P.O. Box 6394, Portland, OR 97228-6394. This Notice only summarizes the Litigation and Settlement. The Court files for this case are available for your inspection at the Office of the Clerk of Court for the United States District Court for the Middle District of Florida, (Monday through Friday, 8:30 a.m.–4:00 p.m.) or through the Court's Public Access to Electronic Records (PACER) system at <https://flmd.uscourts.gov/pacer>.

**DO NOT CONTACT THE JUDGE, THE JUDGE'S STAFF, OR THE CLERK OF THE COURT
BECAUSE THEY CANNOT ANSWER YOUR QUESTIONS ABOUT THE SETTLEMENT.**

BY ORDER OF THE COURT, HONORABLE ANTHONY E. PORCELLI

QUESTIONS? CALL 1-800-974-0698 OR GO TO BTL-TCPA-SETTLEMENT.COM.